

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ANTHONY AMAKER

Plaintiff,

v.

DECISION AND ORDER  
10-CV-0977

BRIAN S. FISCHER, et al.,

Defendants.

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This civil rights case was referred to Magistrate Judge H. Kenneth Schroeder, Jr. for supervision of all pretrial proceedings. Plaintiff, proceeding *pro se*, alleges various causes of action pursuant to 42 U.S.C. §1983 ("Section 1983") and the Religious Land Use and Institutionalized Persons Act of 2000 (42 U.S.C. §2000cc-1), against nineteen employees of the New York State Department of Corrections and Community Supervision.

Plaintiff has made motions for preliminary injunctions seeking to enjoin defendants from: (1) depriving plaintiff of food, light, plumbing, personal hygiene, a medically prescribed diet and vitamin D supplements; (2) retaliating, intimidating and harassing plaintiff because of his prior and pending lawsuits; (3) interfering with and reading plaintiff's legal mail; (3) sexually abusing and physically assaulting plaintiff; (4) depriving plaintiff of his exercise of religion; and (5) generally violating plaintiffs's constitutional rights. (Dkt. Nos. 26 and 35)

On September 28, 2012, Magistrate Judge Schroeder issued a Report,

Recommendation, and Order wherein he denied plaintiff's motions for a preliminary injunction finding that: (1) plaintiff sought relief based upon allegations of past injury only, and therefore failed to demonstrate irreparable harm; and (2) plaintiff's bare allegations of constitutional violations did not establish a likelihood of success on the merits. (Dkt. No. 44)

Pursuant to Federal Rule of Criminal Procedure 58(g)(2) and Western District of New York Local Rule 58.2, any objections to Magistrate Judge Schroeder's Report and Recommendation were required to be filed, with the Clerk of the Court, within fourteen (14) days after receipt of a copy of the Report, Recommendation and Order. No objections were timely filed. On December 27, 2012, plaintiff filed a motion for a thirty (30) day extension of time to file objections. On January 2, 2013, this Court issued an order granting plaintiff's motion for an extension of time and directing him to file objections on or before February 11, 2013. No objections were filed.

On April 4, 2013 this Court issued an order directing plaintiff to file objections on or before May 6, 2013, and cautioning that no further extensions of time would be granted. (Dkt. No. 55) Again no objections were filed. Since plaintiff has had ample time to object to Magistrate Judge Schroeder's September 28, 2012 Report, Recommendation and Order, and has yet to file objections, the Court has deemed the matter submitted.

The Court has carefully reviewed the Report, Recommendation and Order,

the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. §636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report, Recommendation and Order, plaintiff's motions for a preliminary injunction (Dkt. Nos. 26 and 35) are denied in their entirety.

The matter will be referred back to Magistrate Judge Schroeder for further proceedings.

SO ORDERED.

*s/ Richard J. Arcara*

HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: May 9, 2013